

Practitioner's Docket No. U 014775-5

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application  
of \_\_\_\_\_

Inventor(s)

for \_\_\_\_\_

Title of invention

**OR**

In re application of: CHIA-GEE WANG

Serial No.: 10/651,305

Group No.: --

Filed: August 28, 2003

Examiner.: --

For: RADIOTHERAPY METHOD USING X-RAYS

**Commissioner for Patents**  
P. O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))**

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**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

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**37 C.F.R. 1.8(a)**

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Date: October 23, 2003

Joseph H. Handelman  
Signature

**JOSEPH H. HANDELMAN**

*(type or print name of person certifying)*

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**NOTE:** 37 C.F.R. 1.98(b):

- (1) *Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.*
- (2) *Each U.S. patent application published listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.*
- (3) *Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.*
- (4) *Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.*
- (5) *Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.*

**WARNING:** *No extension of time can be had under 37 C.F.R. § 1.36 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(j).*

**NOTE:** *The "filing date of a national application" under 37 C.F.R. 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark office, the filing is defined in 37 C.F.R. 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 C.F.R. 1.97(b)(2).*

## **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b).

**NOTE:** *"No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."*

**NOTE:** *"An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

**NOTE:** *"The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).



**SIGNATURE OF PRACTITIONER**

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: CHIA-GEE WANG

Serial No.: 10/651,305

Group No.: --

Filed: August 28, 2003

Examiner.: --

For: RADIOTHERAPY METHOD USING X-RAYS

Attorney Docket No.: U 014775-5

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sirs:

INFORMATION DISCLOSURE STATEMENT

We draw the attention of the Examiner to the attached references most of which are considered in the specification and which are also listed on the attached Form PTO-1449.

We also draw the Examiner's attention to the previous research described in paragraph 0040 of the application.

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CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450.

Joseph H. Handelman

(Type or print name of person mailing paper)

Date: October 23, 2003

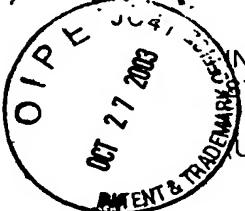
Joseph H. Handelman

(Signature of person mailing paper)

In addition, the Examiner's attention is drawn to applicant's co-pending application number 10/651,307 filed on August 28, 2003.

Respectfully submitted,

  
JOSEPH H. HANDELMAN  
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FORM PTO-1449	U. S DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO.	SERIAL NO.
 <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  Use several sheets if necessary)		U 014775-5		10/651,305
		APPLICANT		
		Chia-G WANG et al.		
		FILING DATE	GROUP	
		08/28/03		

REFERENCE DESIGNATION		U.S. PATENT DOCUMENTS					
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
	AA	5,859,065	01/1999	Brandes	514	651	
	AB	6,366,801	04/2002	Cash, Jr. et al.	600	431	
	AC	5,641,764	06/1997	Martin et al.	514	80	
	AD	6,224,848	05/2001	Mills	424	1.65	
	AE	5,044,001	08/1991	Wang	378	43	
	AF	5,627,871	05/1997	Wang	378	121	
	AG						
	AH						
	AI						
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
							YES	NO
	AL							
	AM							
	AN							
	AO							

## OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

AP	Larson, D. et al. "Auger Electron Contribution to Bromodeoxyuridine Cellular Radiosensitization." <i>International Journal of Radiation Oncology • Biology • Physics</i> , (1989) 16(1), pages 171-176.
AQ	Oxford Instruments Technical Data Sheets. "UltraBright: Microfocus X-Ray Source." X-Ray Technologies, Inc.
AR	Mills, Randell L. et al. "A novel cancer therapy using a Mössbauer-isotope compound." <i>Nature</i> , (1988) Vol. 336, pages 787-789.
AS	Laster, B.H. et al. "Photon Activation of Iododeoxyuridine: Biological Efficacy of Auger Electrons." <i>Radiation Research: An International Journal</i> , (1993) 133, pages 219-224.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.